IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19932 of 2007(W)

PETITIONER:

---

1. M/S. SAMSUNG INDIA ELECTRONICS PVT. LTD.,
39/1939 C, 1ST FLOOR,
THOMSON CHAMBERS, PALLIMUKKU,
M.G.ROAD, ERNAKULAM REPRESENTED BY ITS AUTHORIZED
SIGNATORY, SHRI.AJITH KUMAR DAVID.

2. M/S. OM LOGISTICS LTD., BUILDING NO.VI,
962 F, KRISHNA TOWER,
THIRIKAKARA.P.O., COCHIN – 682 021.
REPRESENTED BY ITS BRANCH MANAGER DHANI RAM.

BY ADV. SRI.SOJAN JAMES

RESPONDENTS:

---

1. INTELLIGENCE INSPECTOR,
SQUAD NO.VI,
OFFICE OF THE INSPECTING ASST. COMMISSIONER (INTELLIGENCE),
COMMERCIAL TAXES, PALAKKAD.

2. ASSISTANT COMMISSIONER, SPECIAL CIRCLE I,
DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM.

BY ADV. SHRI.C.K.GOVINDAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 19932 of 2007

Dated, this the 28th day of June, 2007

J U D G M E N T

Since 1st petitioner is a registered dealer and since the case of the petitioners is that the transport documents do not tally with actual quantity on account of transshipment to lorry, after transport up to Bangalore through train, WP(C) is disposed of directing 1st respondent to release the consignment on 1st petitioner furnishing simple bond without surety for the security amount and on furnishing copy of the certificate of registration, issued to the 1st petitioner, attested by the assessing officer. File will be referred for adjudication after release of the consignment.

2. Even though the above individual notice covers only one truck load, since security demanded is for three truck loads of goods, one already passed and other being detained and the 3rd one on the way, there will be a direction to the 1st respondent to release the consignment, which is yet to reach the check post, based on same bond executed as above.

This WP(C) is disposed of as above.

Issue photocopy of this judgment tomorrow itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg